

BASELMANS ET AL. -- 09/905,198
Client/Matter: 081468-0281487

REMARKS

Reconsideration and allowance of the above-identified Application in view of the above amendments and the following remarks are respectfully requested.

Claims 1, 14, 17, and 28 are amended to further clarify recitation of a feature, to broaden claim scope, and to add recitation of a feature. Claim 2 is amended to remove a feature and to further clarify recitation of another feature. Claim 3 is amended for further clarity, and claims 4–7, 15, 29, 31, and 56 are amended to broaden claim scope. Claims 22, 37, 49, and 59 are amended to recite alternate subject matter. Claims 16, 30, and 60–63 are amended accordingly. Claims 1–63 are pending in the Application.

Restriction Requirement

The Office Action requires restriction between Group I (claims 1–18, 20–27, and 37–63, drawn to a mask, a method of making the mask, and a method of using the mask) and Group III (claims 28–36, drawn to a computer program product including instructions describing a method of making a mask). Group I is provisionally elected.

Applicant respectfully requests reconsideration. The Office Action states that the inventions of these groups are unrelated according to MPEP §§ 806.04 and 808.01. Applicant respectfully submits that the cited sections oppose rather than support the proposed restriction.

Section 808.01 (“Independent Inventions”) states that “Inventions are unrelated if it can be shown that they are not disclosed as capable of use together.” See also Section 806.04(A). Clearly, a computer program product including instructions describing a method of making a mask (Group III) is inherently capable of use together with a method of making a mask (Group I). Therefore, applicant respectfully submits that the proposed restriction of these groups on the basis of unrelatedness is contrary to the express language of the MPEP.

Moreover, section 808.01 further states that “This situation, except for species, is but rarely presented, since persons will seldom file an application containing disclosure of independent things”: for example, “a necktie and a locomotive bearing.” Applicant respectfully submits that this section cannot be said to support the proposed restriction between

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the claims of Groups I and III, which are clearly related in a manner that a necktie and a locomotive bearing are not.

Similarly, parts B and C of section 806.04 do not support the proposed restriction requirement. Part B states that process and apparatus inventions are independent where "the apparatus cannot be used to practice the process or any part thereof." Applicant respectfully submits that "a computer program product including instructions describing a method of making a mask" (Group III) certainly can be used to practice "a method of making a mask" (Group I).

As for part C of section 806.04, the Office Action does not suggest that Groups I and III recite independent species. Consequently, applicant respectfully requests that the Restriction Requirement as to Groups I and III be withdrawn.

Rejection under 35 U.S.C. § 102

Claims 1–18, 20–27, and 37–63 are rejected under 35 U.S.C. § 102(b) as being anticipated by Lee et al. (U.S. Patent No. 5,585,210). At least for the following reasons, applicant respectfully requests that this rejection be withdrawn.

Claims 1, 14, and 17 recite a plurality of isolated areas, arranged in an array such that at least part of each isolated array is adjacent to at least part of at least one other isolated area in the array, and a plurality of non-printing assist features smaller than and distinct from said isolated areas. At least one of the plurality of assist features is positioned so as to make an aerial image of one of said isolated areas more similar to an aerial image of another of said isolated areas. An axis of symmetry of the at least one assist feature, an axis of symmetry of the array, and an axis of symmetry of at least one of the isolated areas are substantially coincident.

Of the embodiments disclosed by Lee in Figures 1–30, only Figures 5, 27A, 28B, and 28E show patterns having supplemental mask portions which are not interconnected to the main mask portions (see also col. 6, ll. 37–42 and col. 8, ll. 12–15). Of these four figures, none teaches or suggests an arrangement in which an axis of symmetry of a supplemental mask portion, a main mask portion, and an array of main mark portions are substantially coincident. Therefore, applicant respectfully requests that this rejection be withdrawn.

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Applicant respectfully submits that claims 2-13, 15, 16, 18-21, and 24-27 are also allowable for at least the reasons set forth above.

Claim 22 recites a plurality of isolated areas, arranged in an array such that at least part of each isolated array is adjacent to at least part of at least one other isolated area in the array. At least one of a plurality of assist features is arranged adjacent to a first edge of a first isolated area of the array and to a second edge of another isolated area. The shortest distance between the first and second edges is at least twice the shortest distance from (A) the first edge to (B) an edge of the first isolated area opposite the first edge.

Of the embodiments disclosed by Lee in, e.g., Figures 4-8 and 27-30, none shows an arrangement in which edges of main mask portions that are adjacent to the same supplemental mask portion are separated by at least twice the shortest distance from (A) such an edge to (B) the other side of the same main mask portion. Therefore, applicant respectfully requests that this rejection be withdrawn.

Applicant respectfully submits that claims 23 and 37-63 are also allowable for at least the reasons set forth above.

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From-Pillsbury Winthrop LLP

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Respectfully submitted,

PILLSBURY WINTHROP LLP



KERRY T. HARTMAN

Reg. No. 41,818

Tel. No. (703) 905-2085

Fax No. 703 905-2500

Date: September 9, 2004
P.O. Box 10500
McLean, VA 22102
(703) 905-2000

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